



Montana Legislative History

Chapter: 186 Session L: 1977

Checklist of Bill History

Bill Number: 24

House Senate

History and Final Status Sheet ☐

Introduced Bill ☒

Fiscal Note ☐

Third Reading Bill ☒

Final Version of Bill ☒

House

Committee:

Highways & Transportation

Hearing Date(s):

March 15, 1977

Committee Report:

Senate

Committee:

Highways & Transportation

Hearing Date(s):

Jan. 11, 1977

Committee Report:

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by *RL*

Date: 12-1-23

Notes:

History and final status not published in 1977.

1 SENATE BILL NO. 24
2 INTRODUCED BY THIESSEN
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5 82A-112 AND 82A-706.1, R.C.M. 1947, TO DELETE REQUIREMENT
6 THAT ONE MEMBER OF THE HIGHWAY COMMISSION BE AN ATTORNEY."
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Section 82A-112, R.C.M. 1947, is amended to
10 read as follows:
11 "82A-112. Quasi-judicial boards. If an agency is
12 designated by law as a quasi-judicial board for the purposes
13 of this section, the following requirements apply:
14 (1) The number of and qualifications of its members
15 are as prescribed by law; ~~in~~ In addition to those
16 qualifications, unless otherwise provided by law, at least
17 one ~~++~~ member shall be an attorney licensed to practice law
18 in this state.
19 (2) (a) The governor shall appoint the members. A
20 majority of the members shall be appointed to serve for
21 terms concurrent with the gubernatorial term and until
22 their successors are appointed and qualified. The remainin
23 members shall be appointed to serve for terms ending on the
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6 than half.

7 (b) This subsection does not affect the terms of
8 persons who were members of a continued board on the
9 effective date of the chapter of this title continuing the
10 board; upon the expiration of those terms, members shall be
11 appointed and serve in accordance with this subsection.

12 (3) The appointment of each member is subject to the
13 confirmation of the senate. However, the governor may
14 appoint a member to assume office before the senate meets at
15 its next regular session to consider the appointment. A
16 member so appointed has all the powers of the office upon
17 assuming that office and is a de jure officer,
18 notwithstanding the fact that the senate has not yet
19 confirmed the appointment. If the senate does not confirm
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21 new member to serve for the remainder of the term.

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INTRODUCED BILL

(5) The governor shall designate the chairman. The chairman may make and second motions and vote.

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Section 2. Section 82A-706.1, R.C.M. 1947, is amended to read as follows:

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commission consists of five ~~(5)~~ members. One ~~(1)~~ member shall be a bona fide resident of and appointed from each of these districts, each composed of the counties named:

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3 commission may be adopted or passed without the favorable
4 vote of at least three {3} members.

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Approved by Committee
on Highways & Transportation

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SECOND READING

SB24

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SENATE BILL NO. 24

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(2) (a) The governor shall appoint the members. A majority of the members shall be appointed to serve for terms concurrent with the gubernatorial term and until their successors are appointed and qualified. The remaining members shall be appointed to serve for terms ending on the first day of the third January of the succeeding gubernatorial term and until their successors are appointed

and qualified. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his term and the remaining members in the middle of his term. As used in this subsection, "majority" means the next whole number greater than half.

(b) This subsection does not affect the terms of persons who were members of a continued board on the effective date of the chapter of this title continuing the board; upon the expiration of those terms, members shall be appointed and serve in accordance with this subsection.

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REFERENCE BILL

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-End-

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION
MONTANA STATE SENATE

January 11, 1977

The second meeting of the Highways and Transportation Committee was called to order on the above date in Room 404 of the State Capitol Building by Chairman Manning at 9:30 a.m.

ROLL CALL: All members were present, with Senators Aber and Etchart arriving late.

The following witnesses were present to testify:

James Beck	Department of Highway
Donald Copley	Department of Highway
Curt Wheeling	Canyon Ferry Yacht Club
Jim Hughes	Canyon Ferry Yacht Club

CONSIDERATION OF SENATE BILL 24: Senator Thiessen, district 27, chief sponsor of the bill, said this bill takes out the requirement that one member of the Highway Commission has to be an attorney. He said the Governor had not asked him to have this bill drawn up, but that he was in favor of it. Senator Thiessen also stated that the Legislative Council had taken the responsibility to clear up some of the language in the bill, which he went over with the committee.

Jim Beck from the Highway Department said that an attorney on the Commission had been set up as part of the executive reorganization. He stated the Department had no stand on the bill.

Mr. Kenneth Clark, United Transportation Union appeared in support of the bill. He felt a person should be selected on his ability, not on whether he was an attorney.

CONSIDERATION OF SENATE BILL 16: Senator Graham presented this bill. He stated that this was a recodification bill. The staff attorney who had worked on the bill was appearing at another meeting and could not be present so Senator Graham felt the bill should be considered at the next meeting.

After some discussion from the members Senator Graham moved that the committee postpone Senate Bill 16 until the next scheduled meeting. Seconded by Senator Hazelbaker. Motion carried. Senators Aber and Etchart absent.

DISPOSITION OF SENATE BILL 24: Senator Lockrem moved that Senate Bill 24 DO PASS. Seconded by Senator Graham. Motion carried. Senators Aber and Etchart absent.

January 11, 1977

Jim Beck, Highway Department presented the committee with six bills that the Department would like to have introduced. One bill would amend the Relocation Assistance Act, another would define the term "axle". The third bill was the "pro rate bill, which would enable the registrant the option of paying his fees at the time or being bill for them. The next bill would be for construction of off-system road funds to allocate these funds to the counties as per the secondary road formula. The fifth bill would amend the special bridge bill. The last bill would enable a trucker the right to proceed to the first scale if they were less than 5% overweight.

Senator Manning then asked for volunteers from the committee to introduce these bills, which he received.

CONSIDERATION OF SENATE BILL 16: Senator Graham moved that since the codifier for this bill had arrived that the committee reconsider its action taken earlier on this bill. Seconded by Senator Hazelbaker. Motion carried unanimously.

Dave Cogley, staff attorney from the Legislative Council presented the committee with a summary of the changes in this bill, (attached #1). He stated that most of the changes were just clearing up redundant language.

Mr. Jim Hughes, Canyon Ferry Yacht Club, said their main concern was wondering if the intent of the bill had been changed in so far as discharge of waste was concerned. They wondered how waste was actually defined.

Mr. Curt Wheeling, also from the Canyon Ferry Yacht Club, was concerned about this same factor. After some discussion it was felt this would be better covered in a new bill.

Dave Cogley said that it had been brought to his attention by the Fish and Game Department that a few small amendments should be made see exhibit "2".

DISPOSITION OF SENATE BILL 16: Senator moved the amendments. Seconded by Senator Graham. Motion carried unanimously.

Senator Hazelbaker moved that Senate Bill 16 DO PASS AS AMENDED. Seconded by Senator Aber. Motion carried unanimously.

Senator Aber moved the meeting be adjourned. Seconded by Senator Graham. Motion carried. Meeting adjourned.


SENATOR MANNING CHAIRMAN

HIGHWAYS AND TRANSPORTATION COMMITTEE

March 15, 1977

The Committee on Highways and Transportation was called to order on March 15, 1977, at 10:00 a.m. with Chairman Baeth presiding and all members present, except Representative Mular.

The following bills were scheduled for discussion today:
SB 10, SB 24, SB 178, SB 327, and SB 420.

SENATE BILL 327

Representative Pat Regan, chief sponsor of this bill, authorized the officers of the Highway Patrol to enforce provisions of the motor carriers licensing law as that granted the public service commission under 8-103. The highway commission, highway patrol and the department of highways shall cooperate to assure duplication and maximum coordination of enforcement effort. No additional funds will be needed. There will probably be an increase in revenues for the state due to stricter enforcement.

Colonel Joe Sol, chief of the Highway Patrol Bureau of the Department of Justice, said they support this bill. Through our activities, they come in contact with the large trucks. In so doing, we can also check for violations of the motor carriers licensing law.

There were no opponents. Hearing closed on SB 327.

SENATE BILL 24

Senator Thiessen, sponsor of this bill, said this is a corrective measure. There seems to be no need for an attorney on the highway commission because the Department of Highways has a full staff of attorneys. This bill exempts the highway commission from the provision that one member must be an attorney. This will allow more flexibility in appointing members.

There were no opponents. Hearing closed on SB 24.

SENATE BILL 10

Senator Hazelbaker, sponsor of this bill, could not attend this hearing and he asked Robert Pyfer, attorney for Legislative Council, to speak to the committee on this bill.

Mr. Pyfer distributed a short report on the changes to this bill. This bill is for clarification and revision of laws relating to aeronautics. He explained some of the most important changes:

Subsection 2 on page 6 was deleted because it is unconstitutional under Article II, section 18, which provides that the state has no immunity from suit unless specifically provided by a 2/3 vote of each house of the legislature.

Section 10 at the end of the bill repeals sections 1-829 through 1-832 which was declared unconstitutional in 1970 in Northwest Airlines, Inc. v. Joint City-County Airport Board, 154 M 352, 463 P.2d 470.

Also repealed is Chapter 10 of Title 1, Airport Passenger Services Charges, which is in conflict with section 1513(a) Title 49 U.S.Code which prohibits a state from levying such a charge. The federal law, as it now appears, became effective June 18, 1973, nullifying the Montana statute that had been adopted in March of 1973 by the Montana legislature.

There were no opponents. Hearing closed on SB 10.

SENATE BILL 178

This bill was introduced at the request of the Department of Highways. Senator Smith, sponsor of this bill, could not be at this hearing, but he asked Jim Beck, attorney for the Department of Highways, to speak to the committee on this bill.

This bill defines the term "axle". There have been some problems with interpretations and this bill will alleviate them. The definition is "Axle--a transverse beam which is the common axis of rotation of one or more wheels and which, to receive credit for allowable total gross loading, must be capable of continuously transmitting a proportionate share of the total gross load to the roadway when the axle is in operation."

There were no opponents. Hearing closed on SB 178.

SENATE BILL 420

Senator Aber, chief sponsor of this bill, was not able to come to this hearing. Tom Crowley, city engineer of Missoula, spoke to the committee on this bill. He explained that this bill was introduced at their request.

He said there is a need for improvements to the right-of-way of state highways. These improvements include storm drains, sidewalks and curbs. As it stands now, the department had to approve these items and let the contracts. The city or municipality could not let the contracts.

With this bill the city or municipality may let the contracts after the department approves the plans. This would save a good deal of time. This work is done through assessments.

Jim Beck, attorney for the Department of Highways, said they support this bill. It will alleviate some misunderstandings. Such improvements need department approval because of federal standards which must be met.

There were no opponents. Hearing closed on SB 420.

EXECUTIVE SESSION

SENATE BILL 420

Representative Kanduch made a motion of be CONCURRED IN.
Representative Hansen seconded it. Motion carried unanimously.
(Rep. Mular absent)

Representative Kanduch will carry it through the House.

SENATE BILL 178

Representative Keyser made a motion of be CONCURRED IN.
Motion carried unanimously. (Rep. Mular absent)

Representative Kanduch will carry it through the House.

SENATE BILL 327

Representative Kropp made a motion of be CONCURRED IN.
Motion carried unanimously. (Rep. Mular absent)

Representative Wood will carry it through the House.

SENATE BILL 24

Representative Frates made a motion of be CONCURRED IN.
Motion carried unanimously. (Rep. Mular absent)

Representative Wood will carry it through the House.

SENATE BILL 10

Representative Keyser made a motion of be CONCURRED IN.
Motion carried unanimously. (Rep. Mular absent)

Representative Keyser will carry it through the House.

William R. Baeth
William R. Baeth, Chairman